

105TH CONGRESS
1ST SESSION

S. 1400

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. BOND (for himself, Mr. CHAFEE, Mr. WARNER, Mr. BAUCUS, and Mr. D'AMATO) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To provide a 6-month extension of highway, highway safety, and transit programs pending enactment of a law reauthorizing the Intermodal Surface Transportation Efficiency Act of 1991.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Surface Transpor-
5 tation Extension Act of 1997”.

6 **SEC. 2. ADVANCE AUTHORIZATIONS.**

7 (a) IN GENERAL.—The Secretary of Transportation
8 (referred to in this Act as the “Secretary”) shall apportion

1 funds made available under the amendment made by sub-
 2 section (d)—

3 (1) to any State for which the State's unobli-
 4 gated balance, as of October 1, 1997, of Federal-aid
 5 highway apportionments subject to any limitation on
 6 obligations is less than 50 percent of the State's
 7 total fiscal year 1997 obligation authority for funds
 8 apportioned for the Federal-aid highway program;
 9 and

10 (2) in an amount sufficient to increase the
 11 State's unobligated balance, as of October 1, 1997,
 12 of apportionments described in paragraph (1) to an
 13 amount equal to 50 percent of the State's total fiscal
 14 year 1997 obligation authority for funds apportioned
 15 for the Federal-aid highway program.

16 (b) ELIGIBLE USE OF APPORTIONMENTS.—A State
 17 may obligate funds apportioned under subsection (a) for
 18 any project eligible for assistance under section 133, 149,
 19 402, or 410 of title 23, United States Code, or chapter
 20 311 of title 49, United States Code.

21 (c) REPAYMENT FROM SURFACE TRANSPORTATION
 22 PROGRAM APPORTIONMENT.—The Secretary shall reduce
 23 the amount that would, but for this section, be appor-
 24 tioned to a State under section 104(b)(3) of title 23, Unit-
 25 ed States Code, for fiscal year 1998 under a law reauthor-

1 izing the Federal-aid highway program enacted after the
 2 date of enactment of this Act by the amount of any au-
 3 thorization of contract authority provided to a State under
 4 subsection (a).

5 (d) AUTHORIZATION OF CONTRACT AUTHORITY.—
 6 Section 1003 of the Intermodal Surface Transportation
 7 Efficiency Act of 1991 (105 Stat. 1918) is amended by
 8 adding at the end the following:

9 “(d) ADVANCE AUTHORIZATIONS.—There shall be
 10 available from the Highway Trust Fund (other than the
 11 Mass Transit Account) to carry out section 2 of the Sur-
 12 face Transportation Extension Act of 1997 \$506,273,000
 13 for the period of January 1, 1998, through January 8,
 14 1998.

15 “(e) AUTHORIZATION OF CONTRACT AUTHORITY.—

16 “(1) AUTHORIZATION.—Notwithstanding sec-
 17 tion 157(e) of title 23, United States Code, there
 18 shall be available from the Highway Trust Fund
 19 (other than the Mass Transit Account) to carry out
 20 section 157 of title 23, United States Code, not to
 21 exceed \$14,000,000 for the period of January 1,
 22 1998, through January 8, 1998.

23 “(2) ALLOCATION.—The Secretary shall allo-
 24 cate the amounts authorized under paragraph (1) to
 25 each State in the ratio that—

1 “(A) the amount allocated to the State for
2 fiscal year 1997 under section 157 of that title;
3 bears to

4 “(B) the amounts allocated to all States
5 for fiscal year 1997 under section 157 of that
6 title.

7 “(f) CONTRACT AUTHORITY.—Funds authorized
8 under subsections (d) and (e) shall be available for obliga-
9 tion in the same manner as if the funds were apportioned
10 under chapter 1 of title 23, United States Code.”.

11 (e) LIMITATION ON OBLIGATIONS.—Section 310 of
12 the Department of Transportation and Related Agencies
13 Appropriations Act, 1998 (Public Law 105–66; 111 Stat.
14 1425), is amended by striking subsection (b) and inserting
15 the following:

16 “(b) ALLOCATION OF OBLIGATION AUTHORITY DUR-
17 ING CERTAIN PERIOD.—

18 “(1) IN GENERAL.—Subject to paragraph (2),
19 after the date of enactment of the Surface Transpor-
20 tation Extension Act of 1997, the Secretary shall al-
21 locate to each State an amount of obligation author-
22 ity that is—

23 “(A) equal to the greater of—

1 “(i) the State’s unobligated balance of
2 Federal-aid highway apportionments sub-
3 ject to any limitation on obligations; or

4 “(ii) 50 percent of the State’s total
5 fiscal year 1997 obligation authority for
6 funds apportioned for the Federal-aid
7 highway program; but

8 “(B) not greater than 75 percent of the
9 State’s total fiscal year 1997 obligation author-
10 ity for funds apportioned for the Federal-aid
11 highway program.

12 “(2) LIMITATION ON AMOUNT.—The total of all
13 allocations under paragraph (1) shall not exceed
14 \$9,786,275,000.

15 “(3) TIME PERIOD FOR OBLIGATIONS OF
16 FUNDS.—

17 “(A) IN GENERAL.—Except as provided in
18 subparagraph (B), a State shall not obligate
19 any funds for any Federal-aid highway program
20 project after May 1, 1998, until such time as
21 a multiyear law reauthorizing the Federal-aid
22 highway program has been enacted.

23 “(B) REOBLIGATION.—Subparagraph (A)
24 shall not preclude the reobligation of
25 deobligated funds.

1 “(C) DISTRIBUTION OF REMAINING OBLI-
2 GATION AUTHORITY.—Upon enactment of a law
3 described in subparagraph (A), the Secretary
4 shall distribute to each State any remaining
5 amounts of obligation authority for Federal-aid
6 highways and highway safety construction pro-
7 grams by allocation in accordance with sub-
8 section (a).”.

9 (f) TREATMENT OF OBLIGATIONS.—Any obligation
10 incurred under this Act, or an amendment made by this
11 Act, shall be considered to be an obligation for Federal-
12 aid highways and highway safety construction programs
13 for fiscal year 1998 for the purposes of the matter under
14 the heading “(LIMITATION ON OBLIGATIONS)” under the
15 heading “FEDERAL-AID HIGHWAYS” in title I of the De-
16 partment of Transportation and Related Agencies Appro-
17 priations Act, 1998 (Public Law 105–66; 111 Stat. 1425).

18 (g) FUNDING BASELINE.—Notwithstanding section
19 257 of the Balanced Budget and Emergency Deficit Con-
20 trol Act of 1985 (2 U.S.C. 907) and the effect of funding
21 provided under this Act or an amendment made by this
22 Act, the baseline prepared by the Congressional Budget
23 Office and the Office of Management and Budget for fiscal
24 years 1998 through 2003 for mandatory contract author-
25 ity and mandatory outlays for Federal-aid highways and

1 highway safety construction programs shall be the baseline
 2 included in the concurrent resolution on the budget for
 3 fiscal year 1998.

4 **SEC. 3. TRANSFERS OF UNOBLIGATED APPORTIONMENTS.**

5 (a) IN GENERAL.—Notwithstanding any other provi-
 6 sion of law, for fiscal year 1998, a State may transfer
 7 any funds apportioned to the State for any program under
 8 section 104 (including amounts apportioned under section
 9 104(b)(3) or set aside or suballocated under section
 10 133(d)), 144, or 402 of title 23, United States Code,
 11 granted to the State for any program under section 410
 12 of that title, or allocated to the State for any program
 13 under chapter 311 of title 49, United States Code, that
 14 are subject to any limitation on obligations, and that are
 15 not obligated, to any other of those programs.

16 (b) TREATMENT OF TRANSFERRED FUNDS.—Any
 17 funds transferred to another program under subsection (a)
 18 shall be subject to the provisions of the program to which
 19 the funds are transferred, except that funds transferred
 20 to the surface transportation program under section 133
 21 of title 23, United States Code, other than paragraphs (1)
 22 and (2) of section 133(d) of that title, shall not be subject
 23 to section 133(d) of that title.

24 (c) RESTORATION OF APPORTIONMENTS.—

1 (1) IN GENERAL.—As soon as practicable after
 2 the date of enactment of a law reauthorizing the
 3 Federal-aid highway program enacted after the date
 4 of enactment of this Act, the Secretary shall restore
 5 any funds that a State transferred under subsection
 6 (a) for any project not eligible for the funds but for
 7 this section to the program category from which the
 8 funds were transferred.

9 (2) PROGRAM CATEGORY RECONCILIATION.—
 10 The Secretary may establish procedures under which
 11 funds transferred under subsection (a) from a pro-
 12 gram category for which funds are no longer author-
 13 ized may be restored to the Federal-aid highway pro-
 14 gram.

15 (d) GUIDANCE.—The Secretary may issue guidance
 16 for use in carrying out this section.

17 **SEC. 4. ADMINISTRATIVE EXPENSES.**

18 (a) EXPENSES OF FEDERAL HIGHWAY ADMINISTRA-
 19 TION.—

20 (1) AUTHORITY TO BORROW.—

21 (A) FROM UNOBLIGATED FUNDS AVAIL-
 22 ABLE FOR DISCRETIONARY ALLOCATIONS.—If
 23 unobligated balances of funds deducted by the
 24 Secretary under section 104(a) of title 23,
 25 United States Code, for administrative and re-

1 search expenses of the Federal-aid highway pro-
2 gram are insufficient to pay those expenses for
3 fiscal year 1998, the Secretary may borrow not
4 to exceed \$60,000,000 for those expenses from
5 unobligated funds available to the Secretary for
6 discretionary allocations.

7 (B) REQUIREMENT TO REIMBURSE.—
8 Funds borrowed under subparagraph (A) shall
9 be reimbursed from amounts made available to
10 the Secretary under section 104(a) of title 23,
11 United States Code, as soon as practicable after
12 the date of enactment of a law reauthorizing
13 the Federal-aid highway program enacted after
14 the date of enactment of this Act.

15 (2) AUTHORIZATION OF CONTRACT AUTHOR-
16 ITY.—

17 (A) IN GENERAL.—In addition to funds
18 made available under paragraph (1), there shall
19 be available from the Highway Trust Fund
20 (other than the Mass Transit Account) for ad-
21 ministrative and research expenses of the Fed-
22 eral-aid highway program \$151,000,000 for fis-
23 cal year 1998.

24 (B) CONTRACT AUTHORITY.—Funds au-
25 thorized under this paragraph shall be available

1 for obligation in the same manner as if the
2 funds were apportioned under chapter 1 of title
3 23, United States Code.

4 (3) USE OF CERTAIN ADMINISTRATIVE
5 FUNDS.—Section 104(i)(1) of title 23, United States
6 Code, is amended by inserting “, and for the period
7 of October 1, 1997, through March 31, 1998,” after
8 “1997”.

9 (b) BUREAU OF TRANSPORTATION STATISTICS.—
10 Section 6006 of the Intermodal Surface Transportation
11 Efficiency Act of 1991 (105 Stat. 2172) is amended—

12 (1) by inserting “(a) IN GENERAL.—” before
13 “Chapter I”; and

14 (2) in the first sentence of subsection (b)—

15 (A) by striking “1996, and” and inserting
16 “1996,”; and

17 (B) by inserting before the period at the
18 end the following: “, and \$12,500,000 for the
19 period of October 1, 1997, through March 31,
20 1998”.

21 **SEC. 5. OTHER FEDERAL-AID HIGHWAY PROGRAMS.**

22 (a) FEDERAL LANDS HIGHWAYS.—Section
23 1003(a)(6) of the Intermodal Surface Transportation Ef-
24 ficiency Act of 1991 (105 Stat. 1919) is amended—

25 (1) in subparagraph (A)—

1 (A) by striking “1992 and” and inserting
2 “1992,”; and

3 (B) by inserting before the period at the
4 end the following: “, and \$95,500,000 for the
5 period of October 1, 1997, through March 31,
6 1998”;

7 (2) in subparagraph (B)—

8 (A) by striking “1995, and” and inserting
9 “1995,”; and

10 (B) by inserting before the period at the
11 end the following: “and \$86,000,000 for the pe-
12 riod of October 1, 1997, through March 31,
13 1998”; and

14 (3) in subparagraph (C)—

15 (A) by striking “1995, and” and inserting
16 “1995,”; and

17 (B) by inserting before the period at the
18 end the following: “, and \$42,000,000 for the
19 period of October 1, 1997, through March 31,
20 1998”.

21 (b) NATIONAL RECREATIONAL TRAILS PROGRAM.—

22 Section 1003 of the Intermodal Surface Transportation
23 Efficiency Act of 1991 (105 Stat. 1918) (as amended by
24 section 2(d)) is amended by adding at the end the follow-
25 ing:

1 “(e) NATIONAL RECREATIONAL TRAILS PROGRAM.—
 2 Section 104(h) of title 23, United States Code, is amended
 3 by inserting ‘and \$7,500,000 for the period of October 1,
 4 1997, through March 31, 1998’ after ‘1997.’”.

5 (c) CERTAIN ALLOCATED PROGRAMS.—

6 (1) HIGHWAY USE TAX EVASION.—Section
 7 1040(f)(1) of the Intermodal Surface Transportation
 8 Efficiency Act of 1991 (23 U.S.C. 101 note; 105
 9 Stat. 1992) is amended in the first sentence by in-
 10 serting before the period at the end the following:
 11 “and \$2,500,000 for the period of October 1, 1997,
 12 through March 31, 1998”.

13 (2) SCENIC BYWAYS PROGRAM.—Section
 14 1047(d) of the Intermodal Surface Transportation
 15 Efficiency Act of 1991 (23 U.S.C. 101 note; 105
 16 Stat. 1998) is amended in the first sentence—

17 (A) by striking “1994, and” and inserting
 18 “1994,”; and

19 (B) by inserting before the period at the
 20 end the following: “, and \$7,000,000 for the pe-
 21 riod of October 1, 1997, through March 31,
 22 1998”.

23 (d) INTELLIGENT TRANSPORTATION SYSTEMS.—Sec-
 24 tion 6058(b) of the Intermodal Surface Transportation
 25 Efficiency Act of 1991 (105 Stat. 2194) is amended—

1 (1) by striking “1992 and” and inserting
2 “1992,”; and

3 (2) by inserting before the period at the end the
4 following: “, and \$56,500,000 for the period of Oc-
5 tober 1, 1997, through March 31, 1998”.

6 (e) SURFACE TRANSPORTATION RESEARCH.—

7 (1) OPERATION LIFESAVER.—

8 (A) IN GENERAL.—There shall be available
9 from the Highway Trust Fund (other than the
10 Mass Transit Account) to carry out the oper-
11 ation lifesaver program under section 104(d)(1)
12 of title 23, United States Code, \$150,000 for
13 the period of October 1, 1997, through March
14 31, 1998.

15 (B) CONTRACT AUTHORITY.—Funds au-
16 thorized under this paragraph shall be available
17 for obligation in the same manner as if the
18 funds were apportioned under chapter 1 of title
19 23, United States Code.

20 (2) DWIGHT DAVID EISENHOWER TRANSPOR-
21 TATION FELLOWSHIP PROGRAM.—

22 (A) IN GENERAL.—There shall be available
23 from the Highway Trust Fund (other than the
24 Mass Transit Account) to carry out the Dwight
25 David Eisenhower Transportation Fellowship

1 Program under section 307(a)(1)(C)(ii) of title
2 23, United States Code, \$1,000,000 for the pe-
3 riod of October 1, 1997, through March 31,
4 1998.

5 (B) CONTRACT AUTHORITY.—Funds au-
6 thorized under this paragraph shall be available
7 for obligation in the same manner as if the
8 funds were apportioned under chapter 1 of title
9 23, United States Code.

10 (3) NATIONAL HIGHWAY INSTITUTE.—Section
11 321(f) of title 23, United States Code, is amended
12 by adding at the end the following: “There shall be
13 available from the Highway Trust Fund (other than
14 the Mass Transit Account) to carry out this section
15 \$2,500,000 for the period of October 1, 1997,
16 through March 31, 1998.”.

17 (4) EDUCATION AND TRAINING PROGRAM.—
18 Section 326(c) of title 23, United States Code, is
19 amended by adding at the end the following: “There
20 shall be available from the Highway Trust Fund
21 (other than the Mass Transit Account) to carry out
22 this section \$3,000,000 for the period of October 1,
23 1997, through March 31, 1998.”.

1 **SEC. 6. EXTENSION OF HIGHWAY SAFETY PROGRAMS.**

2 (a) NHTSA HIGHWAY SAFETY PROGRAMS.—Section
3 2005(1) of the Intermodal Surface Transportation Effi-
4 ciency Act of 1991 (105 Stat. 2079) is amended—

5 (1) by striking “1996, and” and inserting
6 “1996,”; and

7 (2) by inserting before the period at the end the
8 following: “, and \$83,000,000 for the period of Oc-
9 tober 1, 1997, through March 31, 1998”; and

10 (b) ALCOHOL-IMPAIRED DRIVING COUNTER-
11 MEASURES.—Section 410 of title 23, United States Code,
12 is amended—

13 (1) in subsection (c)—

14 (A) by striking “5” and inserting “6”; and

15 (B) in paragraph (3), by striking “and
16 fifth” and inserting “fifth, and sixth”;

17 (2) in subsection (d)(2)(B), by striking “two”
18 and inserting “3”; and

19 (3) in the first sentence of subsection (j)—

20 (A) by striking “1997, and” and inserting
21 “1997,”; and

22 (B) by inserting before the period at the
23 end the following “, and \$12,500,000 for the
24 period of October 1, 1997, through March 31,
25 1998”.

1 (c) NATIONAL DRIVER REGISTER.—Section
2 30308(a) of title 49, United States Code, is amended—

3 (1) by striking “1994, and” and inserting
4 “1994,”; and

5 (2) by inserting after “1997,” the following:
6 “and \$1,855,000 for the period of October 1, 1997,
7 through March 31, 1998.”.

8 **SEC. 7. EXTENSION OF MOTOR CARRIER SAFETY PROGRAM.**

9 Section 31104(a) of title 49, United States Code, is
10 amended—

11 (1) in paragraphs (1) through (5), by striking
12 “not more” each place it appears and inserting “Not
13 more”; and

14 (2) by adding at the end the following:

15 “(6) Not more than \$45,000,000 for the period
16 of October 1, 1997, through March 31, 1998.”.

17 **SEC. 8. EXTENSION OF FEDERAL TRANSIT PROGRAMS.**

18 Title III of the Intermodal Surface Transportation
19 Efficiency Act of 1991 (105 Stat. 2087–2140) is amended
20 by adding at the end the following:

21 **“SEC. 3049. EXTENSION OF FEDERAL TRANSIT PROGRAMS**
22 **FOR THE PERIOD OF OCTOBER 1, 1997,**
23 **THROUGH MARCH 31, 1998.**

24 “(a) ALLOCATING AMOUNTS.—Section 5309(m)(1)
25 of title 49, United States Code, is amended by inserting

1 ‘, and for the period of October 1, 1997, through March
2 31, 1998’ after ‘1997’.

3 “(b) APPORTIONMENT OF APPROPRIATIONS FOR
4 FIXED GUIDEWAY MODERNIZATION.—Section 5337 of
5 title 49, United States Code, is amended—

6 “(1) in subsection (a), by inserting ‘and for the
7 period of October 1, 1997, through March 31,
8 1998,’ after ‘1997,’; and

9 “(2) by adding at the end the following:

10 ““(e) SPECIAL RULE FOR OCTOBER 1, 1997,
11 THROUGH MARCH 31, 1998.—The Secretary shall deter-
12 mine the amount that each urbanized area is to be appor-
13 tioned for fixed guideway modernization under this section
14 on a pro rata basis to reflect the partial fiscal year 1998
15 funding made available by section 5338(b)(1)(F).’.

16 “(c) AUTHORIZATIONS.—Section 5338 of title 49,
17 United States Code, is amended—

18 “(1) in subsection (a)—

19 “(A) in paragraph (1), by adding at the
20 end the following:

21 ““(F) \$1,349,395,000 for the period of October
22 1, 1997, through March 31, 1998.’; and

23 “(B) in paragraph (2), by adding at the
24 end the following:

1 “(F) \$369,000,000 for the period of October
2 1, 1997, through March 31, 1998.’;

3 “(2) in subsection (b)(1), by adding at the end
4 the following:

5 “(F) \$1,110,605,000 for the period of October
6 1, 1997, through March 31, 1998.’;

7 “(3) in subsection (c), by inserting ‘and not
8 more than \$1,500,000 for the period of October 1,
9 1997, through March 31, 1998,’ after ‘1997,’;

10 “(4) in subsection (e), by inserting ‘and not
11 more than \$3,000,000 is available from the Fund
12 (except the Account) for the Secretary for the period
13 of October 1, 1997, through March 31, 1998,’ after
14 ‘1997,’;

15 “(5) in subsection (h)(3), by inserting ‘and
16 \$3,000,000 is available for section 5317 for the pe-
17 riod of October 1, 1997, through March 31, 1998’
18 after ‘1997’;

19 “(6) in subsection (j)(5)—

20 “(A) in subparagraph (B), by striking
21 ‘and’ at the end;

22 “(B) in subparagraph (C), by striking the
23 period at the end and inserting ‘; and’; and

24 “(C) by adding at the end the following:

1 “(D) the lesser of \$1,500,000 or an
 2 amount that the Secretary determines is nec-
 3 essary is available to carry out section 5318 for
 4 the period of October 1, 1997, through March
 5 31, 1998.’;

6 “(7) in subsection (k), by striking ‘or (e)’ and
 7 inserting ‘(e), or (m)’; and

8 “(8) by adding at the end the following:

9 “(m) SECTION 5316 FOR THE PERIOD OF OCTOBER
 10 1, 1997, THROUGH MARCH 31, 1998.—Not more than the
 11 following amounts may be appropriated to the Secretary
 12 from the Fund (except the Account) for the period of Oc-
 13 tober 1, 1997, through March 31, 1998:

14 “(1) \$125,000 to carry out section 5316(a).

15 “(2) \$1,500,000 to carry out section 5316(b).

16 “(3) \$500,000 to carry out section 5316(c).

17 “(4) \$500,000 to carry out section 5316(d).

18 “(5) \$500,000 to carry out section 5316(e).’.”.

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